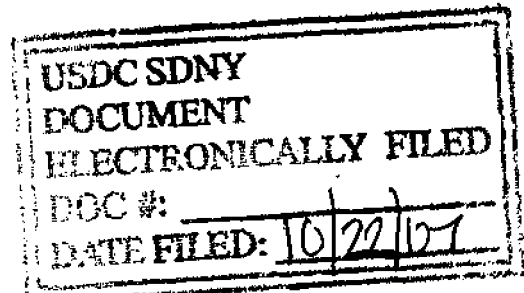




THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007



MICHAEL A. CARDOZO  
Corporation Counsel

TONI GANTZ  
phone: (212) 788-0908  
fax: (212) 788-0940  
email: tgantz@law.nyc.gov

MEMO ENDORSED

October 22, 2007

**BY FACSIMILE**

Hon. Frank Maas  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 740  
New York, New York 10007

Re: Bush v. Horn, 07 Civ. 3231 (RJS) (FM)

Dear Judge Maas:

I am the Assistant Corporation Counsel assigned to represent Department of Correction Commissioner Martin F. Horn and Assistant Deputy Warden Clayton N. Augustus, the New York City defendants in the above-referenced matter.

I write to request permission to serve a late answer on behalf of defendant Augustus. The original date to respond was June 20, 2007. I respectfully ask that the Court excuse the lateness of this request, as I only recently received defendant Augustus's request for representation, and because plaintiff will not be prejudiced. This is the first such request defendant Augustus has made. Although I have been unable to contact plaintiff, who is incarcerated and proceeding *pro se*, regarding this request, he had previously consented to defendant Horn's service of an amended answer on or before October 31, 2007 (a stipulation to that effect has been submitted for Your Honor's review and endorsement). I respectfully request leave to serve and file an answer on behalf of defendant Augustus on the same date. The additional time is necessary to allow me to confer with him regarding plaintiff's allegations, to research the applicable law, and to prepare an appropriate response.

Thank you for your consideration of this request.

Respectfully submitted,

Toni Gantz  
Assistant Corporation Counsel

cc: Darrell Bush (by mail)

Defendant Augustus  
may answer by 10/31/07.  
Maas, USMJ,  
10/22/07